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HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

Coram : Hon'ble Shri Jagdish Bhalla, Ag. C.J. &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Writ Petition No.5494 of 2000

PETITIONER : State of Madhya Pradesh
Through Secretary, Home Department,
Bhopal (M.P.)

Versus

RESPONDENT : J. L. Nashine
S/o Shri R. R. Nashine
Retired Area Superintendent, Special Branch, R/o Gudiyari, Raipur, Tah. & Distt. Raipur (M.P.)

Petition under Article 226/227 of the Constitution of India

Present :
Shri Sanjay S. Agrawal, Govt. Advocate for the petitioner/State.
Shri Yogesh Pandey, counsel for the respondent.

ORAL ORDER
(Passed on 16-07-2007)

The following oral order of the Court was passed by **Jagdish Bhalla, Ag.C.J.** :

Heard.

(2) This appeal is directed against the judgment & order dated 25-01-2000 passed by the State Administrative Tribunal, Raipur Bench, Raipur (hereinafter referred to as "the Tribunal"), whereby the State was directed to pass necessary orders regarding grant of senior scale and pay to the applicant in view of the order contained in Annexure A-7 of the claim petition to the claimant. The non-applicants were also directed to issue necessary directions with respect to pension and gratuity accordingly. We have been informed that after

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lapse of 7 years, the concerned respondents have not carried out the compliance of the directions issued by the Tribunal.

(3) The claimant before the Tribunal was a police officer of the rank of Deputy Superintendent of Police and he was posted in Special Branch of the police force on 24-08-1983 and continued to perform his duties. During his tenure, on 22-08-1984, a special scheme was introduced for those police officers, posted in Special Branch to give benefit of one step promotion. The claimant claimed the same but could not get it. The claimant continued to perform his duties in the Special Branch of the police force. However, on 06/15-12-1986, the scheme was modified wherein it was provided that only those police officers would be entitled for the benefit of one step promotion who have been granted higher pay scale in their cadre. According to the claimant, he was not granted higher pay scale.

(4) In these circumstances, it has been averred on behalf of the State that the Tribunal erred in holding that the claimant is entitled for the benefit of scheme which was introduced on 22-08-1984. No other ground has been pressed on behalf of the petitioner/State.

(5) We have further perused the impugned order passed by the Tribunal dated 25-01-2000. We find that the claimant became entitled for the one step promotion on 22-08-1984, when the scheme was introduced for the reason that the claimant was already working as police officer in the Special Branch of Police Force. The Tribunal has considered the facts and circumstances in its totality and recorded a reasoned judgment in favour of the claimant and in support of its judgment has placed reliance on **Chandraprakash Madhavrao**

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Dadwa and others Vs. Union of India and others; AIR 1999 S.C. 59 wherein it is provided that the recruitment qualifications could not be altered or applied with retrospective effect so as to deprive the recruitees of their right to the post to which they were recruited nor could it affect their confirmation.

(6) In the result, we are in agreement with the views expressed by the learned Tribunal in its judgment & order dated 25-01-2000 and we further do not find any reason to interfere with the impugned judgment & order. Accordingly, the writ petition is dismissed. The claimant has already retired in the year-1990 and has given best of his time of his life to the police department including his services in the Special Branch of Police Force. We hope and trust that there would not be any further delay on part of the State to clear the claims of the claimant made in this petition.

Sd/-
Acting Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Satish